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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,856	09/28/2001	John S. Hendricks	SEDN/3698D3	3261
56015 7590 12/07/2007 PATTERSON & SHERIDAN, LLP/ SEDNA PATENT SERVICES, LLC 595 SHREWSBURY AVENUE SUITE 100 SHREWSBURY, NJ 07702			EXAMINER SHELEHEDA, JAMES R	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 12/07/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/964,856

Applicant(s)

HENDRICKS, JOHN S.

Examiner

James Sheleheda

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: ____. |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :8/15/02,3/17/03,9/25/07,10/22/07.

DETAILED ACTION

Priority

1. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed application, Application No. 07/991,074, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application.

Claims 1-5, 11-12, 16-17 and 20-30 recite displaying "targeted" advertisements based user information or a user profile within the menus which is not supported by the prior application.

2. This application repeats a substantial portion of prior Application No. 07/991,074, filed 12/9/1992, and adds and claims additional disclosure not presented in the prior

application (for example, see page 4, lines 5-31 of the current application which describes a program guide displaying targeted advertisements based upon a subscriber profile). Since this application names an inventor or inventors named in the prior application, it may constitute a **continuation-in-part** of the prior application. Should applicant desire to obtain the benefit of the filing date of the prior application, attention is directed to 35 U.S.C. 120 and 37 CFR 1.78.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 29 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification discloses presenting targeted advertisements within a graphical menu (page 4, lines 5-page 6, line 10). Additionally, the specification discloses wherein advertisements for presentation during a *television program* may occur on a different channel and require tuning during the advertisement break (page 16, lines 9-18). The disclosure as originally filed fails to provide enabling support for presenting targeted advertisements within a graphical menu on different channels and require tuning to a particular channel, as recited in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 13-15, 18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Goldstein (5,410,326).

As to claim 13, Goldstein discloses a method of delivering a television signal containing programming including programs and targeted advertisements, to multiple subscribers using an electronic program guide having a plurality of menus (column 34, line 48-column 36, line 65), the method comprising:

retrieving subscriber information (column 35, lines 23-59);

displaying, on a television screen associated with the subscriber, one or more of a plurality of menus, the menus including program menus having program information related to available programs (column 34, line 48-column 36, line 65); and

displaying on the screen an advertisement selected from a plurality of advertisements based on the subscriber information (mail menu of including mail advertisements; column 35, lines 23-47 and column 22, lines 28-54).

As to claim 14, Goldstein discloses storing the subscriber information in a memory (column 27, line 19-column 28, line 55).

As to claim 15, Goldstein discloses wherein the step of storing comprises storing the subscriber information in a subscriber profile associated with a particular subscriber (column 27, line 19-column 28, line 55).

As to claim 18, Goldstein discloses receiving from a user input device a program selection for at least one of the available programs (column 34, line 60-column 35, line 21); and

displaying the selected program on the screen (column 34, line 60-column 35, line 21).

As to claim 19, Goldstein discloses displaying on one of the plurality of program menus a cursor (column 34, lines 10-28), wherein the cursor indicates a program on the one of the plurality of program menus (column 34, lines 10-28 and column 34, line 60-column 35, line 21), and is controlled by the user input device (column 34, lines 10-28), and wherein the step of receiving comprises receiving the program selection for the program indicated by the cursor (column 34, lines 10-28 and column 34, line 60-column 35, line 21).

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein in view of Alexander et al. (Alexander) (6,177,931).

As to claim 6, while Goldstein discloses an electronic program guide for displaying, on a television screen, information about television programs available for selection by a user and for displaying advertisement information (column 34, line 48-column 36, line 65), the guide comprising:

a plurality of interconnected program menus that display on the television screen information about programs, including names and times of the programs (column 34, line 48-column 36, line 65);

a cursor that is displayed on the television screen (column 34, lines 10-28), responsive to a selection signal from a user input device, wherein the menus are displayed on the screen based on the selection signal (column 34, lines 10-28 and column 34, line 60-column 35, line 21), whereby a user can navigate the plurality of menus using the user input device, and wherein the programs are displayed based on the selection signal (column 34, lines 10-28 and column 34, line 60-column 35, line 21);
and

an introductory menu (column 33, lines 3-43), connected to at least one of the plurality of program menus (column 33, lines 3-43), he fails to disclose wherein the *menu* includes an advertisement.

In an analogous art, Alexander discloses an electronic program guide for display on a television (Fig. 1; column 3, lines 1-20) which will display advertisements, selected from a group of advertisements, targeted to a user or group of users based on user information stored in a user profile within the program guide menu (column 33, lines 26-44, column 34, lines 10-25 and column 35, lines 13-37) for the benefit of providing interesting advertisement to the viewers while navigating the program guide (column 32, lines 23-34 and column 33, lines 26-43).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Goldstein's system to include wherein the menu includes an advertisement, as taught by Alexander, for the benefit of providing interesting advertisement to the viewers while navigating the program guide

As to claim 7, Goldstein and Alexander disclose wherein the introductory menu is displayed upon beginning use of the guide (see Goldstein at column 33, lines 3-43).

As to claim 8, Goldstein and Alexander disclose wherein the guide is controlled by a set top terminal (see Goldstein at column 32, line 63-column 33, line 57), and wherein the introductory menu automatically appears on the television when the set top terminal is turned on (see Goldstein at column 33, lines 3-43).

As to claim 9, Goldstein and Alexander disclose wherein the selection signal is received at a set top terminal that controls display of the menus on the screen (see Goldstein at column 32, line 63-column 34, line 38).

As to claim 10, Goldstein and Alexander disclose wherein the user input device is an infrared remote control (see Goldstein at Fig. 1A, column 34, lines 10-14 and column 7, lines 42-55).

9. Claims 1-5, 11, 12, 16, 17, 20-28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. (Hendricks) (5,990,927) in view of Alexander.

As to claim 1, while Hendricks discloses an electronic program guide for displaying, on a television screen information about television programs available for by a user (Fig. 8 and 15; column 33, lines 24-67) and for displaying advertisement information (column 12, lines 30-34), the guide comprising:

a plurality of interconnected menus for display on a television screen (Fig. 8), wherein the menus comprise:

program menus having information related to available programs (Fig. 8 and 16; column 33, lines 24-67); and advertisements (column 12, lines 30-34), he fails to specifically disclose advertisements, selected from a group of advertisements, targeted to a user or group of users based on user information stored in a user profile.

In an analogous art, Alexander discloses an electronic program guide for display on a television (Fig. 1; column 3, lines 1-20) which will display advertisements, selected from a group of advertisements, targeted to a user or group of users based on user information stored in a user profile (column 33, lines 26-44, column 34, lines 10-25 and column 35, lines 13-37) for the benefit of tailoring advertisement content to the interests of the viewers (column 32, lines 23-34 and column 33, lines 26-43).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hendricks' system to include advertisements, selected from a group of advertisements, targeted to a user or group of users based on user information stored in a user profile, as taught by Alexander, for the benefit of tailoring advertisement content to the interests of the viewers.

As to claim 2, Hendricks and Alexander disclose wherein the advertisements are selected from a group of advertisements available for display at the same time, whereby separate users using the guide at the same time may view different advertisements (see Alexander at column 33, line 27-column 35, line 27).

As to claim 3, Hendricks and Alexander disclose wherein at least one of the advertisements is displayed on the screen while at least one of the program menus is displayed on the screen (see Alexander at Fig. 1).

As to claim 4, Hendricks and Alexander disclose wherein the plurality of interconnected menus further comprise an introductory menu that is displayed one the screen upon beginning use of the guide (see Hendricks at Fig. 8), wherein at least one of the advertisements is displayed on the introductory menu (see Hendricks at column 12, lines 30-34).

As to claim 5, Hendricks and Alexander disclose wherein the menus are displayed based on a selection made using a user input device (see Hendricks at column 17, line 66-column 18, line 13).

As to claim 11, while Hendricks discloses an electronic program guide for displaying, on a television screen information about television programs available for by a user (Fig. 8 and 15; column 33, lines 24-67) and for displaying advertisement information (column 12, lines 30-34), the guide comprising:

a plurality of interconnected menus for display on a television screen (Fig. 8), including names and titles of programs (column 14, line 37-column 20, line 40);

a cursor that is displayed on the television screen, responsive to a selection signal from a user input device (column 17, line 54-column 18, line 49), wherein the menus are displayed on the screen based on the selection signal (column 14, line 37-column 20, line 40), whereby a user can navigate the plurality of menus using the user input device, and wherein the programs are displayed on the selection signal (column 14, line 37-column 20, line 40); and

an introductory menu, connected to at least one of the plurality of menus, which introductory menu includes an advertisement (column 12, lines 30-44),

he fails to specifically disclose wherein the advertisement is a targeted advertisement associated with the user or with a group including the user.

In an analogous art, Alexander discloses an electronic program guide for display on a television (Fig. 1; column 3, lines 1-20) which will display advertisements, selected from a group of advertisements, targeted to a user or group of users based on user information stored in a user profile (column 33, lines 26-44, column 34, lines 10-25 and column 35, lines 13-37) for the benefit of tailoring advertisement content to the interests of the viewers (column 32, lines 23-34 and column 33, lines 26-43).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hendricks' system to include wherein the advertisement is a targeted advertisement associated with the user or with a group including the user, as taught by Alexander, for the benefit of tailoring advertisement content to the interests of the viewers.

As to claim 12, Hendricks and Alexander disclose wherein the advertisement is selected from a plurality of advertisements based on profile information for the user (see Alexander at column 33, line 27-column 35, line 27).

As to claim 16, while Hendricks discloses a method of delivering a television signal containing programming including programs and targeted advertisements, to

multiple subscribers using an electronic program guide having a plurality of menus (Fig. 8 and 15; column 33, lines 24-67 and column 12, lines 30-34), the method comprising:

retrieving subscriber information (column 34, lines 1-67);

displaying, on a television screen associated with the subscriber, one or more of a plurality of menus, the menus including program menus having program information related to available programs (Fig. 8 and 16; column 33, lines 24-67); and

displaying on the screen an advertisement selected from a plurality of advertisements based on the subscriber information (column 22, lines 15-32), he fails to specifically disclose wherein the step of displaying the advertisement comprises displaying the advertisement while displaying the one or more menus.

In an analogous art, Alexander discloses an electronic program guide for display on a television (Fig. 1; column 3, lines 1-20) including means for selecting an advertisement from a plurality of advertisements based on the information and means for displaying, on one of the menus, the selected advertisement (column 33, lines 26-44, column 34, lines 10-25 and column 35, lines 13-37) for the benefit of tailoring program guide advertisement content to the interests of the viewers (column 32, lines 23-34 and column 33, lines 26-43).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hendricks' system to include displaying the advertisement while displaying the one or more menus, as taught by Alexander, for the benefit of tailoring program guide advertisement content to the interests of the viewers.

As to claim 17, while Hendricks discloses a method of delivering a television signal containing programming including programs and targeted advertisements, to multiple subscribers using an electronic program guide having a plurality of menus (Fig. 8 and 15; column 33, lines 24-67 and column 12, lines 30-34), the method comprising:

retrieving subscriber information (column 34, lines 1-67);

displaying, on a television screen associated with the subscriber, one or more of a plurality of menus, the menus including program menus having program information related to available programs (Fig. 8 and 16; column 33, lines 24-67); and

displaying on the screen an advertisement selected from a plurality of advertisements based on the subscriber information (column 22, lines 15-32),

and displaying an advertisement on an introductory menu that is displayed upon beginning use of the guide (column 11, lines 30-44),

he fails to specifically disclose wherein the step of displaying the advertisement selected based upon user information comprises displaying the advertisement while displaying the menu.

In an analogous art, Alexander discloses an electronic program guide for display on a television (Fig. 1; column 3, lines 1-20) including means for selecting an advertisement from a plurality of advertisements based on the information and means for displaying, on one of the menus, the selected advertisement (column 33, lines 26-44, column 34, lines 10-25 and column 35, lines 13-37) for the benefit of tailoring program guide advertisement content to the interests of the viewers (column 32, lines 23-34 and column 33, lines 26-43).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hendricks' system to include wherein the step of displaying the advertisement selected based upon user information comprises displaying the advertisement while displaying the menu, as taught by Alexander, for the benefit of tailoring program guide advertisement content to the interests of the viewers.

As to claim 20, while Hendricks discloses a set top terminal for use with a television delivery system containing programming includes program and advertisements to multiple subscribers (Fig. 8 and 15; column 33, lines 24-67 and column 12, lines 30-34), the terminal comprising:

means for retrieving information about a subscriber (column 34, lines 1-67);

means for receiving a television signal (column 10, lines 48-58 and column 11, lines 25-37);

means for extracting individual programs from the television signal (column 11, lines 25-37);

means for generating menus for display on a screen, the menus including program menus having program information (Fig. 8 and 16; column 33, lines 24-67); and advertisements (column 12, lines 30-34);

means for receiving from a user input a selection of an item displayed on the menus (column 11, lines 25-37), he fails to specifically disclose means for selecting an advertisement from a plurality of advertisements based on the information and means for displaying, on one of the menus, the selected advertisement.

In an analogous art, Alexander discloses an electronic program guide for display on a television (Fig. 1; column 3, lines 1-20) including means for selecting an advertisement from a plurality of advertisements based on the information and means for displaying, on one of the menus, the selected advertisement (column 33, lines 26-44, column 34, lines 10-25 and column 35, lines 13-37) for the benefit of tailoring advertisement content to the interests of the viewers (column 32, lines 23-34 and column 33, lines 26-43).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hendricks' system to include means for selecting an advertisement from a plurality of advertisements based on the information and means for displaying, on one of the menus, the selected advertisement, as taught by Alexander, for the benefit of tailoring advertisement content to the interests of the viewers.

As to claim 21, Hendricks and Alexander disclose means for indicating a menu item associated with at least one of the menus (see Hendricks at column 17, line 66-column 18, line 13), and wherein the means for receiving the selection comprises means for receiving the selection of a menu item that is indicated by the indicating means (see Hendricks at column 17, line 66-column 18, line 13).

As to claim 22, Hendricks and Alexander disclose wherein the means for displaying the selected advertisement comprises means for displaying the selected

advertisement during an introductory menu that is displayed when the terminal is switched on (see Hendricks at Fig. 8; column 12, lines 30-34).

As to claim 23, Hendricks and Alexander disclose wherein the means for generating includes means for generating menus for interactive features (see Hendricks at column 18, lines 5-49).

As to claim 24, while Hendricks discloses a set top terminal for generating an electronic program having advertisements (Fig. 8 and 15; column 33, lines 24-67 and column 12, lines 30-34), the terminal comprising:

a receiver that receives a program signal from a television delivery system operations center (column 10, lines 48-58 and column 11, lines 25-37);

a demultiplexer that extracts individual programs from the program signal, which programs are sent to a television associated with the set top terminal for display on a screen (column 11, lines 25-37);

a memory that stores information about a user (column 34, lines 1-67);

a means for generating a plurality of menus, the menus including information related to programs (Fig. 8 and 16; column 33, lines 24-67); and advertisements (column 12, lines 30-34), he fails to specifically disclose a means for selecting an advertisement based on the information and means for displaying the selected advertisement on at least one of the menus.

In an analogous art, Alexander discloses an electronic program guide for display on a television (Fig. 1; column 3, lines 1-20) including means for selecting an advertisement from a plurality of advertisements based on the information and means for displaying, on one of the menus, the selected advertisement (column 33, lines 26-44, column 34, lines 10-25 and column 35, lines 13-37) for the benefit of tailoring advertisement content to the interests of the viewers (column 32, lines 23-34 and column 33, lines 26-43).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hendricks' system to include a means for selecting an advertisement based on the information and means for displaying the selected advertisement on at least one of the menus, as taught by Alexander, for the benefit of tailoring advertisement content to the interests of the viewers.

As to claim 25, Hendricks and Alexander disclose means for receiving a signal from a user input and displaying at least one of the individual programs based on the signal (see Hendricks at column 17, line 66-column 18, line 13).

As to claim 26, Hendricks and Alexander disclose a means, responsive to the user input, for displaying a cursor that indicates an item associated with at least one of the menus (see Hendricks at column 12, lines 25-29).

As to claim 27, Hendricks and Alexander disclose wherein the means for generating a plurality of menus comprises a means for generating an introductory menu for display when the set top terminal is activated, and wherein the means for displaying the selected displaying the selected advertisement comprises means for displaying the selected advertisement on the introductory menu (see Hendricks at Fig. 8; column 12, lines 30-34).

As to claim 28, Hendricks and Alexander disclose wherein the means for selecting the advertisement comprises a means for selecting from a group of advertisements that may be displayed at the same time (see Alexander at column 33, line 27-column 35, line 27).

As to claim 30, while Hendricks discloses a television program delivery for delivering advertisements to a user as part of an electronic program guide (see Fig. 1-3), the system comprising:

- an operations center (202) comprising:

- a means for packaging a plurality of television programs (column 5, line 60-column 8, line 46);

- a means for generating a program control information including data associated with the packaging of the television programs (column 5, line 60-column 8, line 46);

a means for delivering the packaged television programs and the program control information from the operations center to a subscriber (column 5, line 60-column 8, line 46);

a set top terminal, located at the subscriber's location, that receives the television programs from the operations center (Fig. 1),

a microprocessor for executing program instructions (Fig. 4; column 14, line 37-column 20, line 40);

a graphic memory (Fig. 4; column 14, line 37-column 20, line 40);

a graphic generator to generate graphics from the graphic memory (Fig. 4; column 14, line 37-column 20, line 40)); and

a subscriber interface for choosing an option from displayed graphics (Fig. 4; column 14, line 37-column 20, line 40) and for effecting the memory location from which graphical information is generated by the graphics generator (Fig. 4; column 14, line 37-column 20, line 40);

wherein the terminal generates an electronic program guide having a plurality of menus (Fig. 8; column 14, line 37-column 20, line 40), the menus including program menus that display names and times of programs (column 14, line 37-column 20, line 40);

a plurality of advertisements for display on the menus (column 12, lines 30-34);
and

a cursor for navigation of the menus (column 12, lines 25-29), he fails to specifically disclose wherein a displayed advertisement is selected from the plurality of advertisements based on information about a user of the set top terminal.

In an analogous art, Alexander discloses an electronic program guide for display on a television (Fig. 1; column 3, lines 1-20) including wherein a displayed advertisement is selected from the plurality of advertisements based on information about a user of the set top terminal (column 33, lines 26-44, column 34, lines 10-25 and column 35, lines 13-37) for the benefit of tailoring advertisement content to the interests of the viewers (column 32, lines 23-34 and column 33, lines 26-43).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hendricks' system to include wherein a displayed advertisement is selected from the plurality of advertisements based on information about a user of the set top terminal, as taught by Alexander, for the benefit of tailoring advertisement content to the interests of the viewers.

Conclusion

10. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. () _____ - _____ on _____
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Registration Number: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James Sheleheda
Patent Examiner
Art Unit 2623

JS


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
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